### MINUTES FOR THE COURT OF APPEAL STATE OF CALIFORNIA SECOND APPELLATE DISTRICT

July 30, 2009

#### **DIVISION ONE**

1007777-09

The Honorable **EDWARD A. FERNS**, Judge of the Superior Court of California, County of **LOS ANGELES**, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division **ONE**, as a justice thereof, on the following dates:

#### **AUGUST 18, 2009**

and until completion and disposition of all causes and matters pro tempore submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal Justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

JUNE 29, 2009

Ronald M George Chief Justice of California and Chairperson of the Judicial

#### **DIVISION TWO**

B207258 Andros (Not for Publication)

v.

Providence Saint Joseph Medical Center, et al.

The judgment is affirmed. Andros is awarded his costs on appeal.

Chavez, J.

We concur: Boren, P.J.

Doi Todd, J.

## **DIVISION TWO(continued)**

B214052 Los Angeles County, D.C.F.S. (Not for Publication)

v. T.J.

The Court:

We dismiss the appeal.

Boren, P.J., Doi Todd, J., Chavez, J.

B209699 Brando (Not for Publication)

v.

Douglas et al.

The judgment is affirmed. Respondents are awarded their costs on appeal.

Chavez, J.

We concur: Boren, P.J.

Ashmann-Gerst, J.

B207994 People (Not for Publication)

v.

Blakey

The judgment is affirmed.

Chavez, J.

We concur: Boren, P.J.

Ashmann-Gerst, J.

#### <u>July 30, 2009 (Continued)</u>

#### DIVISION TWO (continued)

B205328 People (Not for Publication)

v.

Quezada & Perez

The judgment is modified to reflect that the firearm enhancements in section 12022.53, subdivisions (b) and (c) with respect to count 1, in section 12022.53, subdivision (b) with respect to counts 2 and 3, and in section 12022, subdivision (a)(1) with respect counts 1 through 3 are imposed and stayed. On remand the trial court is directed to correct the abstract of judgment to reflect these modifications. The judgment is otherwise affirmed.

Chavez, J.

We concur: Boren, P.J.

Ashmann-Gerst, J.

B207186 People (Not for Publication)

V.

Age

The judgment is modified to stay the concurrent sentence in count 3. In all other respects, the judgment is affirmed. The superior court is directed to transmit a copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.

Chavez, J.

We concur: Boren, P.J.

Ashmann-Gerst, J.

#### **DIVISION TWO (continued)**

B208145 People (Not for Publication)

v.

Spencer

The clerk's minute order and the abstract of judgment shall be modified to stay the six-month consecutive sentence in count 3 pursuant to section 654, subdivision (a), and to reflect that the trial court imposed two 5-year enhancements pursuant to section 667, subdivision (a)(1). The trial court shall forward the corrected abstract of judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

Chavez, J.

We concur: Doi Todd, Acting P.J.

Ashmann-Gerst, J.

B206806 People

v. Donel

Filed order granting petition for rehearing.

**DIVISION THREE** 

B208859 People (Not for Publication)

v.

Fernando Fierro

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.

Kitching, J.

#### <u>July 30, 2009 (Continued)</u>

#### **DIVISION THREE** (continued)

B204878 Superior Dispatch, Inc., (Certified for Publication)

v.

Insurance Corporation of New York

The judgment is reversed with directions to (1) vacate the order granting the summary judgment motion and enter a new order denying the motion; and (2) vacate the order sustaining the demurrer to the fraud count and striking the punitive damages allegations, and enter a new order overruling the demurrer and denying the motion to strike. Superior is entitled to recover its costs on appeal.

Croskey, J.

We concur: Klein, P.J.

Kitching, J.

B212759 Tekelec (Not for Publication)

c/w v.

B213669 Frederick Lax

The judgment confirming the arbitration award and the order granting Lax's motion for attorney's fees are affirmed. Tekelec is to pay Lax's costs on appeal.

Croskey, J.

We concur: Klein, P.J.

Kitching, J.

#### DIVISION THREE (continued)

B211129 Law Offices of David S. Karton, (Certified for Publication)

v.

Giuseppe Segreto

The order denying the petition to confirm the amended arbitration award is vacated, and the matter is remanded with directions for the trial court to enter an order (1) confirming the initial arbitration award and (2) vacating the amended arbitration award, and to enter judgment in conformity therewith. The order denying Segreto's motion for attorney's fees is affirmed. Segreto's motion for sanctions on appeal is denied. The parties are to bear their own costs on appeal.

Croskey, J.

We concur: Klein, P.J.

Kitching, P

#### **DIVISION FIVE**

B209221 Gerald Knapp (Not for Publication)

v.

Lennard Henkhaus

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

I concur: Kriegler, J.

I dissent: Mosk, J. (Opinion)

# **DIVISION FIVE (continued)**

B206750 California Grocers Association (Certified for Publication)

v.

City of Los Angeles

Los Angeles Alliance for a New Economy

The judgment is affirmed. Respondent(s) to recover costs.

Kriegler, J.

I concur: Turner, P.J.

I dissent: Mosk, J. (Opinion)

B206571 People (Not for Publication)

v.

Gordon Nelson

The judgment is modified to add the imposition of a Penal Code \$20 section 1465.8, subdivision (a) (1) court security fee. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Mosk, J.

Kriegler, J.

### **DIVISION SIX**

B209775 Bret E. Davis (Not for Publication)

v

Maria Docouto

The judgment is affirmed. Respondent shall recover costs on appeal

Gilbert, P.J.

We concur: Yegan, J.

Coffee, J.

### <u>July 30, 2009 (Continued)</u>

### **DIVISION SIX (continued)**

B213121 People (Not for Publication)

v. Lam

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J. Yegan, J.

# **DIVISION EIGHT**

B204404 People (Not for Publication)

v. L.L.,

In re L.L.., a Person Coming Under the Juvenile Court Law.

The order of wardship is affirmed. The juvenile court shall amend the order sustaining the petition, and the minutes, to show that each of the offenses was of the second degree.

Bauer, J. (Assigned)

We concur: Rubin, Acting -+P.J.

Bigelow, J.

B210702 M.P.

v.

S.B.

B212762 M.P.

v.

S.B.

Filed order consolidating above captioned appeals.